

**DEPARTMENT OF BOATING AND WATERWAYS**

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To: Boating and Waterways Commission Members

From: Department of Boating and Waterways, Legislative Unit

Subject: LEGISLATIVE REPORT, January 18, 2012

This report was prepared on January 3, 2012.

**ASSEMBLY BILLS**

**AB 977 (Harkey) Harbors and ports: loans: OC Dana Point Harbor.** This bill would require the department to extend until June 30, 2016, all phases of certain loan contracts between the department and the County of Orange, OC Dana Point Harbor. The author has stated that this will be a two-year bill that won't be pursued until 2012.

Sponsor: Author

Status: Amended 03/31/2011, 2-year bill

Department Position: No approved position

**SENATE BILLS**

**SB 623 (Kehoe) Vessels: marine antifouling paint.** This bill would require the Department of Pesticide Regulation, by January 1, 2014, to determine the maximum allowable leach rate for low-leach rate antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel, as defined, containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2019, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require the State Water Resources Control board, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by the State Water Resources Control Board that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors.

This bill would require an owner or a master of a transient vessel, as defined, to submit to the manufacturer, wholesaler, retailer, distributor, boatyard, or other vessel repair facility, and to the marina or similar mooring facility at the time of service or the onset of temporary

residency a transient vessel affidavit certifying under the penalty of perjury that the vessel qualifies as a transient vessel. A person who knowingly submits a false affidavit is liable for an unspecified penalty. Because a person who submits a false affidavit has committed the crime of perjury, this bill would create a new crime, thereby imposing a state-mandated local program. The bill would require a transient vessel that no longer qualifies as a transient vessel to be hauled and to remove all antifouling paints. A person who fails to remove the antifouling paints is liable for an unspecified amount.

Sponsor: San Diego Unified Port District, San Diego Coastkeeper

Status: Amended 06/21/2011, 2-year bill

Department Position: No approved position

### **FEDERAL BILLS**

**H.R. 104 (Boustany) Realize America's Maritime Promise (RAMP) Act.** This bill would ensure that Harbor Maintenance Taxes credited to the Harbor Maintenance Trust Fund are appropriated for harbor maintenance dredging.

Sponsor: Author, 149 co-sponsors

Status: Subcommittee hearings held 07/08/2011

Department Position: No approved position